

# **SLOVAKIA 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Slovak Republic is a multiparty parliamentary democracy led by a prime minister and a 150-member parliament (Narodna Rada). Prime Minister Robert Fico heads the Smer-SD (Direction-Social Democracy) party, which secured a majority of seats in the 150-member National Council in the March 2012 early parliamentary elections. President Ivan Gasparovic, the head of state, was re-elected for a five-year term in 2009. Authorities maintained effective control over security forces. Security forces remained committed to curbing human rights abuses.

Notable human rights problems during the year included abuse of power by judicial figures, a continued lack of checks and balances within the judicial system, low public trust in the judiciary, and continued societal discrimination and violence against Roma.

Other human rights problems included prison overcrowding and targeting of the press for civil defamation suits by members of the political and judicial elite.

The government investigated reports of abuses by members of the security forces and other government institutions, though some question the thoroughness of these investigations. Some officials engaged in corrupt practices with impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and the law prohibit torture and other cruel, inhuman, and degrading treatment or punishment, and the government mostly respected these provisions.

Nongovernmental organizations (NGOs) and members of the Romani community cited a continuing trend of mistreatment of Romani suspects by police officers during arrest and while in custody. NGOs and the ombudswoman reported excessive use of force, intimidation, and property damage by masked police officers during a raid on a Romani settlement in Moldava nad Bodvou in June.

In the past, the Council of Europe's Committee for the Prevention of Torture (CPT) noted that the situation in the country had improved, notwithstanding recurring complaints from detainees about excessive use of force by authorities. There were no CPT monitoring visits since 2009. The CPT urged the government to investigate all allegations of involuntary sterilization of Romani women promptly and thoroughly and to educate doctors about their criminal liability for performing sterilization without consent. Advocacy groups welcomed a proposed Ministry of Healthcare regulation, which planned to introduce a standardized informed consent form in eight national minority languages. The same advocacy groups, however, criticized the proposed regulation for failing to focus on improving the way doctors communicate information to patients regarding sterilization.

Romani advocacy groups lobbied the government to acknowledge and compensate victims for past involuntary sterilization practices on Romani women in public health facilities. The European Court on Human Rights (ECHR) ruled against the government in two sterilization cases in June and November 2012, following a similar ruling in 2011. While the court ruled against the government in these cases, it did not find a pattern of systematic discrimination. One additional alleged forced sterilization case remained pending before the court.

### **Prison and Detention Center Conditions**

Prison and detention center conditions met most international standards, but overcrowding continued to be a problem.

Physical Conditions: In 2012 there were 11,034 persons on average in prison, 1,358 of whom were in pretrial detention. The capacity of the prisons was 10,822, with an overall overcrowding percentage of approximately 2 percent. Authorities held men and women separately. Juvenile prisoners were held separately from

adults unless there was a reasonable justification, such as familial connections, for placing adults and juveniles together. There was sufficient access to potable water in all prisons.

Administration: Recordkeeping of prisoners was adequate. The law provides for alternative punishments to incarceration. Authorities rarely used two alternative forms of punishment – home arrest and community service work. They often used conditional termination of criminal prosecution. Prisoners were able to file complaints without censorship, and a public defender of rights, or ombudsman, was available to provide legal aid. In March parliament elected a new ombudswoman, who did not report any political interference in her work.

Authorities allowed prisoners to practice their religion freely.

Independent Monitoring: The government permitted visits by independent human rights observers. Observers expressed concern that no independent group or NGO regularly monitored prison conditions.

#### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The national police force has sole responsibility for internal and border security and reports to the Ministry of Interior. The head of the police force reports directly to the minister of interior, who has the authority to expel any member of the police. A special anticorruption police department, a special prosecution unit, and a specialized criminal court address corruption cases with increased combined effectiveness.

In 2012, the most recent year for which data was available, authorities charged 134 police officers for 185 crimes; in 68 of these cases, the crime was abuse of power and nine cases involved corruption.

Human rights training remained in the curriculum at police training facilities.

#### **Arrest Procedures and Treatment of Detainees**

The constitution and the law stipulate that authorities can take a person into custody only for explicit reasons and must inform the detainee immediately of the reasons for detention. The law requires a written court warrant for arrest. The court must grant a hearing to a person accused of a crime within 48 hours (or a maximum of 72 hours for “serious cases,” defined as violent crimes, treason, or other crimes carrying a sentence of at least eight years) and either release or remand the individual. A bail system functioned effectively. The law gives detainees the right to consult an attorney immediately after authorities bring charges, and authorities must inform them of this right. The government provides free counsel to indigent detainees. The law allows attorneys to visit detainees as frequently as necessary and allows monthly family visits upon request. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody. Authorities respected these provisions.

In the past, the CPT noted that the majority of persons interviewed claimed the authorities informed of their right to an attorney only at the time of the first court hearing, when an ex officio counsel was appointed. The CPT found that in very few cases did detained persons have an opportunity to consult an attorney from the outset of their police detention, let alone request that an attorney be present during the interrogation or initial questioning.

Pretrial Detention: Criminal court procedures mandate that the total time of detention (pretrial plus trial) cannot exceed 12 months in the case of minor offenses, 24 months for regular crimes, 36 months for severe crimes, and five years for crimes in which the expected sentence is 25 years to life. In addition, pretrial detention cannot account for more than half of the total detention time. In cases with extenuating circumstances, the Supreme Court may extend pretrial detention to four years. Criminal court proceedings were lengthy in some cases but did not exceed the legally mandated period.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; however, problems with corruption, official intimidation of judges, inefficiency, and a lack of integrity and accountability continued to undermine judicial independence. In some cases judges claimed they were subjected to pressure aimed at influencing their decisions as well as to intimidation through disciplinary actions.

There were reports that persons at higher levels of the judicial hierarchy misused their power by inappropriate influence into the random case assignment system and by alleged undue influence over the composition of judicial panels.

Disciplinary actions against judges for delays in completing cases appeared to be highly inconsistent. In several cases, authorities clearly used disciplinary action to intimidate judges into making judicial decisions favored by their superiors or to punish them for critical statements. These practices led to an atmosphere of general mistrust in the judiciary.

Judge Miroslav Gavalec, spokesman for the organization For Open Judiciary, which consisted of judges favoring reforms, continued to face two disciplinary actions, one for “insufficient education” and the other for critical articles he wrote on the state of the judiciary. According to Supreme Court President Stefan Harabin, Gavalec’s “ungrounded” and “untrue” statements harmed the reputation of the judiciary. Harabin proposed that Gavalec be removed from his position. The case against Gavalec for the fourth year was pending before a disciplinary panel at year’s end.

With the exception of the Constitutional Court, courts employed a computerized system for random case assignment to increase transparency. There were continued reports, however, that this system was subject to manipulation. The former justice minister filed a case against Supreme Court President Harabin for allegedly manipulating the electronic random case assignment system. The case was dismissed by the Constitutional Court in October.

In November 2012 the ECHR decided a case brought by Supreme Court President Harabin, who claimed a violation of his rights in the disciplinary verdict of the Constitutional Court relating to his refusal to allow a financial audit of the Supreme Court. Harabin claimed more than 150,000 euros (\$200,000) in pecuniary and nonpecuniary damages caused by the verdict. The ECHR ruled that the state had infringed upon his rights, because the verdict did not sufficiently explain how the Constitutional Court dealt with the bias objections raised. The ECHR obliged the state to pay 3,500 euros (\$4,700) in damages and compensate Harabin’s legal costs. Harabin filed a motion to reopen the case with the Constitutional Court, but the Court dismissed his motion in October.

## **Trial Procedures**

Defendants enjoy a presumption of innocence. They are also presumed innocent during the appeals process, meaning that a person found guilty by a court does not serve a sentence or pay any fine until the final decision on appeal has been reached. Persons charged with criminal offenses have the right to be informed of the charges against them and are entitled to fair and public trials. NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. The law does not provide for jury trials. A panel of three judges is obligatory in criminal cases and in civil cases at the regional court and Supreme Court levels. Defendants have the right to adequate time and facilities to prepare a defense, to be present at their trial, consult in a timely manner with an attorney (at government expense if indigent), access government-held evidence, confront prosecution witnesses, and present witnesses and evidence on their own behalf. Defendants have the right to refuse self-incrimination and may appeal adverse judgments.

The law allows plea bargaining, which continued to reduce the backlog of court cases. In 2012 plea bargaining resolved 7,938 cases.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens had unrestricted access to courts to bring lawsuits in civil matters, including human rights violations. Courts that hear civil cases, as with criminal courts, were subject to delays. The judiciary suffered from very low public trust, an apparent lack of accountability, and the public often perceived it as corrupt.

Administrative remedies were available in certain cases. The National Center for Human Rights has the authority to provide mediation for cases of discrimination and to represent claimants in court. Human rights organizations continued to criticize the center for lack of activity and ineffectiveness. The center lost its UN accreditation, and in May, the minister of justice and the minister of foreign and European affairs, with the support of the Government Council on Human Rights, National Minorities and Gender Equality, initiated proceedings to amend the law on the center to make it functional.

The Office of the Public Protector of Rights (ombudsman) determined that 92 of the approximately 2,275 complaints received in 2010 constituted violations of the

rights of the claimants, most of which involved delays in court proceedings and the right to a fair trial. Another 851 requests regarding children's rights were resolved by using a website focused specifically on such rights.

### **Regional Human Rights Court Decisions**

In 2012 there were 553 new complaints filed against the state with the ECHR. The court dealt with 1,052 cases, declaring 694 inadmissible. In the 21 admissible cases on which the ECHR ruled in 2012, the court found one or more violations of the European Convention on Human Rights in 19. The court found a total of 28 violations of the state's commitments under the convention, including one violation involving inhuman or degrading treatment, 12 regarding the right to liberty and security, two regarding the right to a fair trial, five regarding the length of proceedings, one involving nonexecution of a court decision, two regarding the right of respect for private and family life, one involving freedom of expression, three regarding the right to an effective remedy, and one involving the prohibition of discrimination.

On June 4, the ECHR rejected a complaint filed by two former citizens whom migration authorities stripped of their citizenship by after they acquired Hungarian citizenship. According to the court's ruling, both plaintiffs acquired Hungarian citizenship voluntarily and knew at the time that, in accordance with Slovak law, they would lose their Slovak citizenship by doing so.

In June and November 2012, the ECHR found a violation of articles 3 and 8 in two separate cases and ruled in favor of Romani women who alleged they were sterilized between 1999 and 2002 without their full consent, bringing the total number of ECHR rulings against the state related to sterilizations of Romani women to three since 2011. In the November 2012 ruling, the court for the first time also found a procedural violation of article 3, because the criminal investigation by Slovak authorities into the sterilization of one of the plaintiffs was ineffective. The court awarded 80,500 euros (\$110,000) in compensation to the three plaintiffs. The government has already paid the compensation awarded in the November 2011 and June 2012 rulings. In general the government did not react to the sterilization rulings, but in January former deputy prime minister for human rights Rudolf Chmel welcomed the 2011 ECHR ruling.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and the law prohibit such actions, and the government generally respected these prohibitions.

Police must present a warrant before conducting a search or within 24 hours afterwards.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and the law provide for freedom of speech and press. While the government generally respected these rights, in some instances, it impeded criticism and limited the speech and activities of groups it considered extremist. The law prohibits the defamation of nationalities, punishable by up to three years in prison, and denial of the Holocaust, which carries a sentence of six months to three years in prison.

Press Freedoms: The independent media were active and expressed a wide variety of views. The majority of media were privately owned or funded from private sources. Radio and Television Slovakia and the TASR news agency received state funding for specific programming.

Libel Laws/National Security: Criminal penalties for defamation were rarely used. Members of the government, judiciary, and political elites in the past targeted the press in a number of civil defamation lawsuits, which often required the press to pay large sums of money, and the International Press Institute (IPI) Slovakia and other observers expressed concern that this financial risk could lead to media self-censorship. In particular, IPI Slovakia expressed “deep concern” about two ongoing cases in which, in the IPI’s words, members of the judiciary acted as though “they were a class of ‘untouchables’.”

In one case, a group of lawyers and judges, including then acting head of the General Prosecutor’s Office, Ladislav Tichy, sued Ringier Axel Springer Slovakia, publisher of the daily tabloid *Novy Cas*, for damages totaling 940,000 euros (\$1.27 million). The lawsuit originated from pictures and a video of the plaintiffs at a 2010 party. The pictures and video published by *Novy Cas* show the plaintiffs mimicking a mass murderer in a shooting that occurred two months earlier. The plaintiffs claimed they were not imitating the murderer and that the photographs were “modified.”



The second case highlighted by IPI Slovakia involved a March ruling that upheld a previous decision that ordered the daily newspaper *SME* to publish an apology to Special Court Judge Michael Truban three times in large letters on the front page of the paper. *SME* ran an article in September 2012, indicating that Truban was allowed to hunt for free during a 2008 hunting trip. Truban alleged the newspaper had infringed on his privacy and impugned his honor, dignity, and reputation.

In a case related to the death of two justices, Juraj Majchrak and Marta Laukova, a Bratislava Regional Court opened proceedings against Renata Papsova, who treated Majchrak and Laukova, for stating in an April 2012 public discussion that both died because of “severe persecution” by Supreme Court President Stefan Harabin. In this proceeding, Harabin sued Papsova for 100,000 euros (\$135,000) and the public radio and television company, which recorded and broadcast the statement, for 200,000 euros (\$270,000).

### **Internet Freedom**

There were no government restrictions on access to the internet or reports that the government monitored e-mails or internet chat rooms without appropriate legal authority; however, police monitored websites containing hate speech and attempted to arrest or fine the authors. According to the International Telecommunication Union, 80 overall percent of the country’s population used the internet in 2012, with 82.5 percent used by men and 77.5 percent by women.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established a system for providing some protection to refugees.

NGOs were critical of procedures used to determine the age of illegal migrants who claimed to be minors. The Border and Alien Police used X-rays of applicants' wrists to decide whether an applicant was below the age of 18. Several NGOs argued that this procedure could not confirm with sufficient accuracy an applicant's age, and that other procedures should be implemented.

Some NGOs criticized the Bureau of Border and Alien Police (BBAP) for detaining some potential asylum seekers in detention facilities, rather than transferring them to the specialized facility for asylum seekers in Humenne. According to the NGOs, detention facilities do not provide the support and services that asylum seekers can access in the Humenne facility.

The government provided "subsidiary protection," which is granted if asylum is denied but the individual is not eligible for deportation to his or her country of origin due to administrative problems or fear for the person's safety. A criticism of the subsidiary protection system related to the length of time for which it was granted. The law requires aliens with subsidiary protection to renew their status every year, which in view of procedural requirements meant renewing their status every 10 months. Critics argued that the uncertainty created by the relatively short periods of temporary residence granted could cause problems with finding stable employment.

Between January and October, authorities granted subsidiary protection to 27 persons, compared with 104 persons in 2012. The BBAP can also grant "tolerated residency." By the end of June, 336 individuals had tolerated residency status, compared with 375 in June 2012.

Safe Country of Origin/Transit: The law requires authorities to ensure that the well-being of individual asylum seekers is not threatened if they are deported to a non-EU “safe third country.” Some observers criticized the BBAP for lacking the information necessary to determine whether a given country would be safe for persons facing deportation there.

Refoulement: No new cases of refoulement were reported, but monitoring of returns remained uncertain. The government claimed that NGOs monitored returns, while NGOs working with migrants noted that they only implemented projects to monitor access to asylum.

Access to Basic Services: NGOs had access to refugees and asylum seekers residing in Interior Ministry facilities and participated in the provision of social and support services. NGOs also provided legal support and representation to illegal migrants and persons in the asylum process. Some NGOs complained that the authorities obstructed or denied access in some cases, for example, by conditioning access with receiving EU funding for relevant activities at that facility.

There were reports of aliens granted subsidiary protection having only limited access to healthcare. The Ministry of Interior issued health insurance documentation directly to aliens with subsidiary protection, which created some instances of confusion among health providers who often did not know which medical procedures the policy would cover.

In 2012 the European Return Fund’s call for proposals by the Ministry of Interior excluded legal assistance to migrants in administrative detention and no clear successor institution to provide such services was identified. In July 2012 the BBAP called for proposals for the provision of legal assistance to detained migrants and selected an applicant NGO to provide these services. Subsequently, however, the BBAP refused to grant the same NGO access to their facilities for the purpose of providing legal assistance, despite the fact that the NGO could access the facilities to carry out other activities. The BBAP eventually gave the project to another NGO. Between the beginning of the year and October, detained migrants had only sporadic or no access to free legal assistance. Moreover, rules that came into effect at the end of 2012 mandated that only attorneys-at-law could provide legal assistance to detained migrants; previously, legal experts who were not necessarily attorneys could provide legal services to migrants. NGOs viewed this

change disapprovingly, pointing to a lack of attorneys who specialize in migration and asylum proceedings.

Some NGOs noted that, while in general the government was able to provide services for migrants through projects awarded to individual organizations, the government appeared unable to guarantee systematically these services when individual projects fell through. In January an NGO that provided social and support services at the Humenne facility did not sign a contract for 2013, which jeopardized provision of these services until another NGO signed a contract in April.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The most recent parliamentary elections were in March 2012. Citizens voted six political parties into parliament in free and fair elections. One of the six parties (Smer-SD) commanded a parliamentary majority (holding 83 of 150 seats) and therefore governed alone, marking the first time since the Velvet Revolution that a single party gained enough seats to form a government alone. Smer-SD party leader Robert Fico led the government as prime minister.

Elections for the self-governing regions occurred in November. The head of the far-right-Our Slovakia (LS-NS), Marian Kotleba, who was known for his inflammatory views and remarks against Roma, won the post of Banska Bystrica regional chairman.

Participation of Women and Minorities: There were 28 women in the 150-seat National Council, 44 women on the 84-seat Supreme Court, and one woman in the 15-member cabinet.

The party Most-Hid (Bridge), which promotes greater cooperation between the country's Hungarian minority and ethnic Slovaks, held 13 seats in parliament. The March 2012 elections also brought in the first Romani member of parliament (MP) since the country gained independence. There were small numbers of Romani

mayors and members of local parliaments, but Roma continued to be underrepresented in communal and national elective bodies. NGOs expressed concerns over vote buying tactics targeting marginalized Romani communities during the March 2012 parliamentary elections, as well as anti-Romani rhetoric by extremist and some mainstream political parties.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; however, the government did not always implement the law effectively, and some officials engaged in corrupt practices with impunity. There were also concerns, particularly in the business sector, about the “privatization of justice,” and some NGO governance experts reported that court proceedings had become a contest of vested interests and persons with connections to the judicial powers. The World Bank’s Worldwide Governance Indicators also reflected that corruption remained a problem. There were no new high-profile corruption cases during the year.

Corruption: Headed by a director who reports directly to the interior minister, the Bureau of Inspection Service of the Police Force is responsible for investigating police abuses. The inspection service, the police corps, the police department’s organized crime unit, and individual citizens, among others, may initiate cases.

The Ministry of Interior is responsible for developing the government’s overall strategy for combating corruption, with a specific focus on investigation and enforcement. The Specialized Criminal Court is responsible for most corruption-related prosecution, while the general prosecutor, appointed by parliament and independent of the executive and judicial branches, plays a leading role in prosecuting corruption. The Government Office of the Slovak Republic, which oversees the state administration and answers to the prime minister, is instrumental in developing anticorruption legislation and regulations.

On July 17, President Ivan Gasparovic appointed Jaromir Ciznar as prosecutor general, after the Smer-SD-controlled parliament elected Ciznar on June 18.

Whistleblower Protection: According to a Transparency International survey and other independent reports by Slovak watchdog NGOs, the country lacked sufficient and appropriate laws and institutions to address whistleblowing issues adequately. The possibility to reward whistleblowers for public interest protection did not exist.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected officials and mandates a parliamentary conflict of interest committee to monitor and verify such disclosures. The government makes publicly available a general summary of the declarations, and there were penalties for noncompliance. Concerned NGOs observed that the declaration forms did not identify clearly the value of assets, liabilities, and interests declared. Assets and incomes of spouses and dependent children have to be filed periodically when changes occur in their holdings.

Public Access to Information: There was good public access to government information, due to related laws that were implemented effectively. The list of exceptions to public disclosures was short, time limits for providing information were brief, and fees for processing information were low. A mechanism for appeals, including judicial review, was available. Sanctions, including administrative sanctions against individual officials, were imposed in cases of significant noncompliance.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative, although NGOs reported that at times government officials appeared to view their activities with suspicion or mistrust. The parliament appeared to obstruct the ombudswoman's attempts to raise awareness about human rights abuses against Roma.

Government Human Rights Bodies: Jana Dubovcova headed the Office of the Ombudsman (or Public Defender of Rights) and submitted an annual report on human rights problems to the parliament. In contrast to her predecessor, Dubovcova was outspoken on Romani problems, often directly challenging official government narratives to emphasize abuses against the Roma. Dubovcova continued to challenge the Ministry of Interior's stance that a police raid in a Romani settlement in Moldava nad Bodvou complied with the law. Dubovcova also commented on serious problems in the judiciary, and other human rights violations. The office continued to focus on court delays, children's rights, and procedural shortcomings by institutions. In March the parliament rejected the ombudswoman's annual report, which also identified problems dating back to the current government's first term in office (2006-10), and called on the

ombudswoman to rewrite her report. According to standard practice, the parliament was only to “take note” of the report. The ombudswoman insisted that legally she could not change the content of a report already submitted to parliament. Human rights activists considered the ombudswoman effective at raising the profile of fundamental rights problems throughout the country.

The country has an 11-member parliamentary Human Rights and National Minorities Committee, which held regular sessions during the year. The parliament convened a session in July to question the minister of interior and police president about the Moldava nad Bodvou police raid. In September, however, the parliamentary Human Rights and National Minorities Committee rejected, and parliament refused to discuss, an extraordinary report by the ombudswoman that identified human rights abuses against the Roma, including discrimination in education as well as the Moldava nad Bodvou police raid.

Many human rights organizations continued to criticize the 2012 decision to abolish the position of deputy prime minister for human rights, divide the human rights portfolio among several ministries, and transfer the main parts of the portfolio to the Ministry of Foreign and European Affairs (MFEA) without clearly stating overall responsibility for coordinating human rights policy. Human rights organizations argued that the ministry lacked relevant expertise and that its diplomatic responsibility to present a positive image of the country abroad may conflict with the need to objectively report on the internal human rights situation. NGOs pointed to the MFEA’s unwillingness to publicly raise concerns about the Moldava nad Bodvou police raid, allegedly because it at the same time acted as a mediator for the Ministry of Interior in explaining the police raid to the Organization for Security and Cooperation in Europe. Human rights activists welcomed an October amendment that formally assigned overall responsibility for human rights policy to the MFEA. NGOs also continued to express misgivings about the 2012 transfer of responsibility for the situation of Roma to the Ministry of Interior.

The government’s Council on Human Rights, National Minorities, and Gender Equality fulfills an advisory role on human rights problems. The minister of foreign and European affairs chaired the council, which consists of representatives from the government and civil society. It may issue statements or recommendations on problems relevant to human rights. Human Rights Council members from civil society were able to influence statements issued by the council. Specifically, and the council successfully called on the minister of justice to initiate an amendment to the law on the Slovak National Center for Human

Rights, which was long-seen by many human rights activists as ineffective. The council has begun to prepare the country's first-ever statewide human rights strategy,

In October 2012 Prime Minister Fico approved the creation of a government committee dealing exclusively with lesbian, gay, bisexual, and transgender (LGBT) and intersex rights. The committee was a standing expert body of the government's Council on Human Rights, National Minorities, and Gender Equality, and was chaired by Minister of Justice Tomas Borec.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and the law prohibit discrimination based on race, gender, disability, language, sexual orientation or gender identity, or social status; the government made efforts to enforce these prohibitions.

### **Women**

Rape and Domestic Violence: The law prohibits rape, including spousal rape. Although the government enforced the law effectively, rape was an underreported problem according to NGOs and academics. As of September authorities recorded 64 reports of rape, 51 cases of sexual violence, and 356 cases of sexual abuse. Rape survivors had access to shelters and counseling offered by NGOs and government-funded programs.

Domestic violence against women continued to be a problem. It is punishable by two to 12 years' imprisonment. The law provides stricter sentences for violence directed toward members of the same household and allows for continued criminal prosecution even when a spouse drops charges. The law specifically prohibits suspected offenders from reentering the victim's home for 48 hours after an incident was reported. While the law prohibits domestic violence, it was widespread, and activists claimed that the government did not enforce the law effectively. As of September authorities recorded 233 cases of abuse of a member of household during the year. According to local NGOs, domestic violence often was underreported due to the social stigma associated with being a victim; crime statistics did not adequately reflect the extent of the problem.

Sexual Harassment: The law defines sexual harassment as unlawful discrimination. There were few statistics available to measure the frequency or severity of the problem.



Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Contraception was widely available, but the individual, not the public health services, must cover the costs. According to NGOs, the high cost of oral contraception in the country and the lack of public subsidization constituted a significant barrier to access. According to the UN Population Fund's 2012 State of World Population Report, 80 percent of married women between the ages of 15 and 49 used modern methods of contraception. Between the ages of 15 and 18, women must have the approval of their parents to obtain a prescription for oral contraception. Women had access to extensive reproductive health services.

Discrimination: Women and men are equal under the law, including family law, property law, and in the judicial system; however, discrimination against women remained a problem. The Gender Equality Committee of the Government Council on Human Rights had not dealt with substantive gender-related problems by year's end. The National Center for Human Rights received a limited number of gender discrimination cases; underreporting, however, remained a problem. According to the 2012 Gender Equality Report, the gender pay gap was 20.5 percent, 4.3 percent higher than the EU average of 16.2 percent. According to outside experts and the Ministry of Labor, Social Affairs, and Family, the reported wage differences were due to low participation of women in management positions and a lower representation in private sector jobs in general due to a lack of an efficient network of preschool facilities, job-sharing practices, and part-time employment opportunities. A large numbers of women working in low-paid occupations such as education, healthcare, social work, and light industry prevailed, though women accounted for 60 percent of professional and technical workers. According to the 2012 Gender Equality Report, women comprised 62.5 percent of the country's "inactive" population.

NGOs continued to advocate increased opportunities for the political participation of women, who were underrepresented in all spheres of public life. According to the 2012 Gender Equality Report, during the March 2012 parliamentary elections, 26 percent of the candidates were women, with 16 percent of elected MPs being women. In the November regional elections, 16 percent of candidates were women. Women occupied 38 percent of the country's European Parliament seats. There was one female member of cabinet. Women held 9 percent of state secretary posts and 64 percent of judges were women.

Due in part to opposition by conservative groups, the University Library in Bratislava prematurely ended on November 7 a small exhibition organized by the Slovak-Czech Women's Fund (SCWF), focused among other things on gender equality, preventing domestic violence towards women, and development of the LGBTI community. The conservative groups used social media and e-mails to attack the library and SCWF, accusing both institutions of encouraging homosexuality and gender equality.

## **Children**

Birth Registration: Children acquire citizenship by birth to at least one citizen parent, regardless of where the child is born. Each domestic birth is recorded at the local vital statistics office. If the child is born in a foreign country, the foreign birth certificate must be notarized, translated, and submitted to a special vital records office administered by the Ministry of Interior.

Child Abuse: Child abuse remained an underreported problem according to child advocates. A number of children's foundations operated programs for abused children.

The government's National Action Plan for Children for 2013-2017, funded through the government budget, contained activities aimed at preventing crimes against children, including measures to counter trafficking and provide care for children in crisis situations. By September, 368 cases of sexual abuse were reported.

Forced and Early Marriage: The legal minimum age for marriage is 18. In exceptional cases, based upon request of one of the marrying couple, a competent court may allow marriage of a person as young as 16, if both parents consent. In 2010 (latest data available) 1,300 women and 436 men ages 19 and under were married in the country.

Sexual Exploitation of Children: Rape and sexual violence carry penalties of five to 25 years' imprisonment, depending upon the injury or harm caused the victim, and the motive. The law establishes 15 as the minimum age for consensual sex. The law prohibits child prostitution – a form of trafficking in persons; however, according to the UN, it remained a problem in the poorest Romani settlements.

The production, distribution, or possession of child pornography is also a crime with penalties ranging from two to 20 years' imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's country-specific information at [http://www.travel.state.gov/abduction/country/country\\_5802.html](http://www.travel.state.gov/abduction/country/country_5802.html).

### **Anti-Semitism**

Jewish community leaders and 2011 census data estimated the size of the Jewish community at approximately 2,000 persons.

The law provides for penalties of two to six years' imprisonment for membership in an extremist group and three to eight years for production of extremist materials.

Organized neo-Nazi groups with an estimated 500 active members and several thousand additional sympathizers spread anti-Semitic messages.

While direct denial of the Holocaust was uncommon, expressions of support for the World War II-era Slovak fascist state, which deported tens of thousands of Jews, Roma, and others to death camps, occurred during the year.

The LS-NS group, which expressed support for and used the symbols of the World War II-era fascist Slovak state responsible for deporting thousands of Jews, organized gatherings throughout the year. In March and April the party, as well as other far-right groups, commemorated the founding of the Slovak fascist state and execution of its president, Jozef Tiso, for treason after the war. In November the leader of LS-NS was elected chair of the Banska Bystrica Region.

In January, when confronted by journalists, several MPs from the governing Smer-SD party refused to condemn Jozef Tiso and highlighted the benefits of his regime. In August presidential candidate and former Christian Democratic Movement Chairman Jan Carnogursky stated in an interview that what the WWII-era Slovak state did to Jews was criminal, but he emphasized that a 1942 law passed under Tiso gave the president better opportunities to give exemptions to deportations. Carnogursky also stressed that, in terms of culture, the country prospered greatly during the fascist Slovak regime.

The Nation's Memory Institute (UPN) provided access to previously undisclosed records of Slovak regimes from 1939-89. Jewish community leaders criticized the institute for paying too much attention to the persecution of prominent figures of

the fascist Slovak state after the war and playing down their role in supporting anti-Semitic policies. In February the parliament elected a new UPN chairman after the governing Smer-SD party withdrew its candidate in January. The former Smer-SD candidate criticized the Tiso regime.

The Ministry of Interior monitored violent extremist groups, and police monitored websites posting hate speech.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, air travel and other transportation, or the provision of other public services. Persons with disabilities were able to vote and participate in civic affairs. Experts reported, however, that access to buildings and higher education remained a problem, and laws to assist students with disabilities with regard to school facilities or educational materials were not implemented.

NGOs reported limited resources for persons with mental disabilities outside of Bratislava, a lack of community-based supports, and an absence of mechanisms to monitor human rights violations against persons with mental disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds to restrain patients. The law prohibits both physical and nonphysical restraints in social care homes managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the Health Ministry.

No broadcaster implemented legislation requiring television stations to provide audio description for viewers who are blind or have other vision disabilities. While the law defines mandatory standards for access to buildings, NGOs noted they were not fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The government's Council on Human Rights, National Minorities, and Gender Equality operated a committee for persons with disabilities. The council served as

a governmental advisory body and included representation from NGOs working on disability problems.

### **National/Racial/Ethnic Minorities**

Societal discrimination against Roma and individuals of non-European ethnicity was common. According to government sources, Roma were the second largest ethnic minority with a population of 105,000 according to the 2011 census, a slight increase over the 2001 census. Experts estimated that the Romani population was actually between 350,000 and 500,000, with an atlas compiled by the UN Development Program in September placing the number at 402,000. Observers attributed the discrepancy to self-identification by many Roma as Hungarians or Slovaks. At least 150,000 Roma resided in poor, marginalized communities.

According to the 2011 census, ethnic Hungarians were approximately 458,000 of the overall population, a decrease from the 2001 census.

NGOs reported racially motivated attacks on minorities (Roma and others) throughout the year, but authorities' investigation of such incidents varied by jurisdiction. As of September, authorities reported 28 cases of violent crimes with a racial motive or violence against groups. In March the Specialized Criminal Court sentenced a municipal police officer to nine years in prison for shooting and killing three and wounding two members of a Romani family in their home in 2012. The court, however, did not find a racial motive and issued a reduced sentence, concluding the police officer carried out the act under "partial insanity." The shooting prompted large-scale expressions of support to the police officer from the public, and human rights activists criticized public officials for failing to condemn such reactions. Government Plenipotentiary for Romani Communities Peter Pollak said the punishment in such cases should serve as a warning to others but added he was not sure whether this verdict would act as a sufficient deterrent.

Extreme rightist, nationalist, and neo-Nazi groups continued to hold events designed to intimidate minority groups. In addition to commemorating historical events and figures associated with the World War II fascist state, the LS-NS and other far-right groups organized anti-Romani gatherings in locations where there were tensions between Romani and non-Romani populations.

In March, LS-NS supporters organized a gathering in the village of Krasnohorske Pohradie, the latest in a series of gatherings in the village in response to an extensive fire at the nearby Krasna Horka castle in 2012, started accidentally by

children from the local Romani community. Protesters blamed the entire Romani community and Roma in general for the incident. During previous gatherings, the police successfully prevented the group from entering the settlement. In April 2012, LS-NS leader Marian Kotleba obtained ownership of plots of land in the community with several houses inhabited by Roma and announced his plans to “clean up” his land. During the year Kotleba continued to organize activities aimed at creating tensions between the Romani and non-Romani communities in Krasnohorske Pohradie and elsewhere throughout the country. The LS-NS leader obstructed municipal initiatives to sell municipally owned land to Roma who resided in houses built on the land. In June the municipality issued a demolition order against one of the houses inhabited by a Romani family on a plot of land co-owned by Kotleba.

In general the police responded quickly to gatherings against the Romani community and prevented crowds from entering Romani communities or inciting confrontations.

In June approximately 60 police officers, many of them masked, raided Romani settlements in the town of Moldava nad Bodvou, allegedly in search of wanted offenders. NGOs active in the community and local residents reported multiple injuries to residents, including children, who allegedly did not resist. They also highlighted property damage, and criticized the police for not communicating with residents and for conducting property searches without requisite warrants. Many of those injured alleged further beatings at the police station. Residents believed the raid was a punishment for an incident several days earlier, when community residents damaged a police vehicle.

During a hearing in parliament, the police force president insisted there was no link between the two incidents and stated that the raid was completely lawful. The police force president also claimed the police used force because of “active resistance” from the residents, including an axe attack against a police officer. Later reports, however, revealed that the axe attack took place in another settlement, and no evidence confirmed that residents resisted arrest. Human rights activists criticized statements by the police force president, who boasted publicly about the preventive potential of such raids. A subsequent Ministry of Interior’s inspection concluded that the police raid was lawful, but civil society organizations and the ombudswoman express doubts over the conclusions. The Parliamentary Human Rights Committee, with a majority of governing Smer-SD MPs, refused to express concern over the police raid. The minister of foreign and European affairs

(who also chairs the Government Council on Human Rights) also failed to speak out critically against the police raid.

The law prohibits defamation of nationalities in public discourse; however, authorities generally enforced this law only when other offenses, such as assault or destruction of property, were also committed. In March the Supreme Court ruled that a pre-election banner used by a far-right political party, which referred to the parasitism of gypsies, was legal. There were instances during the year of public officials at every level defaming minorities and making derogatory comments about Roma.

Anti-Romani sentiments permeated public and political discourse. In the run up to the March 2012 parliamentary elections, several parties resorted to anti-Romani rhetoric, often painting Roma as a burden on society or referring to “Gypsy parasitism.” Mainstream politicians also made derogatory or dehumanizing remarks about the Roma. In February, during remarks to university students, Prime Minister Fico complained about human rights “saints” getting in the way of needed solutions for the Roma. He added that extreme measures, including taking children away from marginalized Romani parents even against their will, could work. Also in February at the Ministry of Interior, Fico repeated that the exceptional situation of the Roma would need serious and exceptional measures.

NGOs engaged in monitoring activities noted that media reports concerning Roma overwhelmingly focused on crime or other problems associated with socially excluded communities, or referred to Romani ethnicity in reporting on crimes when the perpetrators’ ethnicity did not warrant being mentioned, while non-Romani ethnicity was not explicitly stated when reporting similar crimes. In June the prominent daily *Sme* launched a web portal devoted to issues concerning the Romani community, which provided generally balanced reporting.

Widespread discrimination against Roma continued in employment, education, healthcare, housing, and loan practices. Roma continued to face discrimination in accessing a wide variety of commercial services, including restaurants, hair salons, and public transportation. NGOs asserted that the cases of discrimination reported to legal help lines represented only a fraction of discrimination cases that occurred. In many cases Romani individuals from socially excluded communities did not report discrimination. In one case, a Romani woman was prevented from entering a nightclub, which allegedly stated on its Facebook page that it did not admit Roma. NGOs continued to report cases of police harassment based on ethnicity.

Activists frequently alleged that employers refused to hire Roma, with an estimated 80-90 percent of Roma from socially excluded communities being unemployed. NGOs working with Roma from socially excluded communities reported that, while job applications by Roma were often successful during the initial phase of selection, in a majority of cases employers excluded these applicants once they found them to be Roma. Rejected job applicants rarely pursued cases of discrimination through the courts. One NGO reported a case where management transferred a Romani man from the job of baked goods deliveryman to a different, lower paid position because a customer complained she did not want a “gypsy” delivering her baked goods.

Local authorities forced evictions of Romani inhabitants, demolished their improvised housing, or blocked them from obtaining construction permits or purchasing land. NGOs reported an emerging trend where some municipalities labeled illegal homes and settlements as illegal “waste dumps” in order to expedite the demolition process. In 2012 the Batizovce municipality demolished several homes built on municipal land in June. A similar demolition also occurred near Presov. Demolition of a large settlement with approximately 150 inhabitants in Kosice occurred in October 2012. In April the Batizovce municipality revealed plans to demolish four more buildings.

NGOs reported persistent segregation of Romani women in maternity wards in several hospitals in the eastern part of the country, where hospital management accommodated them separately from non-Romani women and did not permit them to use the same bathrooms and toilets. Hospitals claimed they grouped persons according to their levels of hygiene and adaptability, not by race.

Romani children from socially excluded communities faced educational segregation in terms of their disproportionate enrollment in special schools or their placement in segregated classrooms within mainstream schools.

While education is universal and free through the postsecondary level and compulsory until the age of 15, Romani children exhibited a lower attendance rate than other children. Authorities disproportionately enrolled Romani children in “special” schools for children with mental disabilities, with later re-evaluations often revealing that those same students would have likely succeeded in mainstream educational institutions. A special school education did not provide Romani children the knowledge or certification necessary to pursue higher education. Transfer from a special school to a regular educational track was difficult or impossible. According to a 2010 report by Amnesty International,



Romani children made up 85 percent of the students in special schools. Regular schools in the same communities had very few Romani students, especially at the secondary school level. The registered student body of many special schools was nearly 100 percent Roma, according to NGO reports.

The government did not provide data on the percentage of Roma students in special schools nor did it collect data on ethnicity.

NGOs continued to implement educational programs through community centers, operated by local councils, to reduce the number of Romani children enrolled in special schools or special classes. These programs included preschool and after-school programs to improve basic motor skills and to introduce behaviors often lacking in neglected children. These programs aimed to decrease the number referred to diagnostic centers and ultimately special schools. Social workers also worked with parents in socially excluded families to help them understand the importance of their children attending a regular school, since authorities often placed Romani children in special schools with the agreement or at the request of their parents. These projects, however, depended on the good will, initiative, and budgetary resources of local councils and NGOs and were not widespread. Reportedly the extra funding that special schools or classes received for each student might have led to more children, and particularly Romani children, being enrolled in such special schools and classes.

Romani children from socially excluded communities also faced segregation in regular educational establishments. There were reports of schools having predominantly or almost exclusively Romani pupils from several surrounding municipalities, resulting in non-Romani children often attending a different school than Roma from the same area. In some predominantly Romani municipalities the parents of non-Romani children, who preferred that their children attend a different school with non-Roma, further entrenched the segregation of Roma and non-Roma in schools.

Segregated classrooms within mainstream schools were common. Schools often justified the segregation as being in the children's best interest and often claimed that Romani parents preferred their children to attend segregated classrooms. NGOs reported that many Romani children attended segregated classrooms, not just those from marginalized communities or with special learning needs. In a landmark 2011 decision, a district court ruled that segregation of Romani children in a school in the eastern town of Sarisske Michalany was illegal. The court did not agree with the school's justification that the segregation was in the interest of

the Romani children from marginalized communities, given their special learning needs. The school segregated all Romani classrooms and access to the playground; while non-Romani children received a hot lunch in the cafeteria, Romani children received a cold lunch in their classroom. In October 2012 the regional court confirmed the verdict and ordered the school to desegregate by September 2013. An NGO worked with the school director to begin desegregating the school, train teachers, and provide support staff and volunteers. The school director desegregated the playground and the first Romani children enrolled in non-Romani classes. Roma-only classes continued, however, as did segregated access to the cafeteria.

The School Inspection Service, which oversees the quality of education and has responsibility to ensure schools are not discriminating, failed to report cases of segregation. It also failed to condemn such practices and often justified segregation as necessary and not based on racial grounds. In September the minister of interior stated that segregation does not usually exist because of the color of a person's skin, but because of the behavior of the person. The Ministry of Education admitted that there may be rare cases of discrimination and segregation but insisted that these are due to stereotypes held by specific individuals and are not due to failures of the education system.

At the beginning of 2012, the government adopted a National Strategy for the Integration of Roma until 2020, mandated by the European Commission. The strategy emphasized desegregation, getting Romani children out of special schools, hiring teaching assistants, and other measures designed to help marginalized Romani children obtain effective education.

In October 2012 the government appointed MP Peter Pollak, a Roma with extensive NGO experience in social work, as the plenipotentiary for Romani affairs. The plenipotentiary maintained five regional offices to supervise the implementation of governmental policy on Romani problems, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Romani and non-Romani populations. The plenipotentiary's office fell under the jurisdiction of the Ministry of Interior. The plenipotentiary immediately unveiled a comprehensive 10-pillar Reform Plan, but after a year, most human rights and Roma-focused NGOs criticized the plenipotentiary's office for failing to implement almost any useful measures. NGOs especially criticized the plenipotentiary's decision to unveil, as his first and only planned legislative change, a measure aimed at reducing social welfare payments and conditioning some of those payments on community work.

Plenipotentiary Pollak insisted he had negotiated progress with other ministries, for example, on limiting the placement of Romani children into special schools. The Government Council on Human Rights, National Minorities, and Gender Inequality operated a Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism, and Other Forms of Intolerance.

The law provides for the imposition of fines on government institutions, civil servants, and legal entities that did not provide information required by law in Slovak. The law authorizes the Ministry of Culture to levy fines of up to 5,000 euros (\$6,800) for noncompliance. Members of the ethnic Hungarian minority criticized the provision as discriminatory and a restriction on their right to free speech. Members of the community complained that the authorities did not always implement provisions that enabled the use of minority languages in official settings. They also took issue with the refusal by the railways to allow for dual-language train-station signs.

In February, Prime Minister Fico drew criticism after remarks he gave at an event organized by the Matica Slovenska cultural institution. He stated that the Slovak state was not created primarily for minorities, but for the Slovak nation, and that minorities tend to place demands without responsibilities for the state.

An alleged 2006 attack and subsequent perjury charges against ethnic Hungarian Hedviga Malinova continued to draw media attention and raise questions about due process. During the year Malinova was again summoned for psychiatric examinations, as authorities continued to contend that post-traumatic stress disorder could have influenced her testimony. NGOs criticized the order, insisting that such an examination would not be appropriate for determining the mental health of a person in 2006. NGOs labeled the threat of being admitted to a psychiatric hospital as harassment.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination in employment based on sexual orientation and gender identity. According to LGBT rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

The fourth Bratislava gay pride parade, held in September, demonstrated good cooperation between police and organizers, and no major incidents were reported.

Human rights activists criticized a statement by an opposition MP who said that it would be better for people who want to tell children that two people of the same sex can like each other, to die. A number of MPs denounced this and similar derogatory remarks on LGBT rights.

### **Other Societal Violence or Discrimination**

There were no reports of discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions of their choice except in the armed forces. The law also provides for unions to conduct their activities without interference, including the right to organize and bargain collectively, and workers exercised these rights. The law recognizes the right to strike with advance notice, both when collective bargaining fails to reach an agreement and in support of other striking employees' demands (solidarity strike). Civil servants in essential services, judges, prosecutors, and members of the military do not have the right to strike. The law prohibits dismissing workers who legally participate in strikes; however, the law does not offer such protection if a strike was illegal or unofficial.

The government effectively enforced applicable laws and remedies and penalties for violations were effective. These procedures were, however, occasionally subject to delays and appeals.

Workers and unions generally exercised these rights without restrictions. Worker organizations were independent of the government and political parties. There were no reported violations related to collective bargaining rights, nor any indications that employers refused to bargain or bargained with unions not chosen by workers. Neither were there any reports of employers using hiring practices to avoid hiring workers with bargaining rights. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Police are responsible for investigating forced labor but faced challenges in effectively enforcing the law.

There were reports of Ukrainian, Moldovan, Bulgarian, Romanian, and potentially Vietnamese men and women forced to work in the country. Roma from socially segregated rural settlements were disproportionately vulnerable to human trafficking, as they were underemployed and undereducated, due to lack of access to quality education in segregated schools. The 2010 investigation of a high-profile case involving approximately 340 forced laborers stalled during the year without prosecution. The Police Presidium cooperated with the National Labor Inspectorate (NLI) and carried out joint inspections in several locations, with a focus on construction and agricultural sites where forced labor was a special problem. Despite this, they failed to identify trafficking victims despite indicators of forced labor in agriculture. In May and June the Ministry of Interior, together with the International Organization for Migration, trained NLI staff in identifying trafficking victims. Civil society groups rather than government officials identified most trafficking victims.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 15, although younger children may perform light work in cultural or artistic performances, sports events, or advertising activities if it does not affect their health, safety, personal development, or schooling. The National Labor Inspectorate and Public Health Office must approve, determine the maximum hours, and set conditions for work by children younger than 15. Children between 15 and 26 may not work more than 20 hours per week on average. This applies to all children who are high school or full time university students; part time university students older than 18 are excluded from this provision. The law does not allow children under 18 to work underground, work overtime, or perform labor inappropriate for their age or health.

Regional inspection units, which were under the auspices of the NLI, received and investigated child labor complaints. Apart from regional inspection units, the state Social Insurance Company was also responsible for monitoring child labor law compliance. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the NLI. Enforcement was consistent across all

communities. The NLI enforced this penalty. It can also impose fines on employers and individuals that fail to report such incidents adequately.

There were reports that Romani children in some settlements were exploited for commercial sex (see section 6, children). NGOs reported that family members or other Roma exploited most of the Romani victims, including children with disabilities. Child labor in the form of forced begging was a problem in some communities.

#### **d. Acceptable Conditions of Work**

The minimum wage was 352 euros (\$480) per month. The minimum living standard (an estimate of the poverty income level) was 198.09 euros (\$ 270) per month.

The law mandates a maximum workweek of 48 hours, including overtime, except for people employed in the healthcare sector, whose maximum workweek was set at 56 hours, including overtime. In general, overtime work could not exceed 150 hours per year; again, with the exception of healthcare professionals, where under specific cases and under an agreement with labor unions, overtime could reach 250 hours. Employees who worked overtime were entitled to an additional 25 percent of their premium hourly rate. Employers were obliged to provide 30-minute breaks after six hours of work or after four hours for employees younger than 18, and rest periods of at least 12 hours between shifts, or 14 hours for employees younger than 18. Employees who work under conditions that endanger their health and safety are entitled to “relaxation” leave in addition to standard leave and 35 percent of their premium hourly rate. Additionally employees that worked during government holidays were entitled to an additional 50 percent of their premium hourly rate.

The labor code stipulates at least four weeks of annual leave for every employee; those older than 33 receive five weeks of annual leave. Those employed in the education sector receive at least eight weeks of annual leave.

Trade unions, local employment offices, and the Ministry of Labor, Social Affairs, and Family monitored observance of these laws, and authorities effectively enforced them.

The law establishes health and safety standards that the Office for Labor Safety generally enforced. Approximately 290 labor inspectors investigated companies

for compliance with the law. The Ministry of Labor, Social Affairs, and Family may impose financial penalties on companies found to be noncompliant. If there are safety and security concerns at a workplace, the inspectors can require companies to stop using equipment that poses risks until safety conditions are met. In cases where “serious misconduct” is found at workplaces, the law permits labor inspectors to impose additional financial penalties on noncompliant companies.

The 2008-2012 Plan for Occupational Safety and Health (OSH) called for an approximate 5 percent annual reduction of occupational accidents. Two laws principally define the OSH statutory and regulatory framework: the Law on Protection and Safety in the Workplace and the Workplace Inspection Law. Both laws have been in place for a number of years, although minor amendments were implemented over the last few years to assure compliance with EU directives. A July amendment applied horizontally to all employers and employees favored specific jobs, granted them recovery time, and other similar provisions

In 2012 the NLI conducted 18,469 inspections, including a number of spot inspections that were held without warning and could be used to investigate charges of companies being in violation of OSH regulations.

Apart from the inspections, the NLI coordinated with regional educational institutions to host OSH-related conferences and training sessions and provided more than 28,000 consultations.

In 2012 the NLI issued decisions in more than 2,056 cases, amounting to 1.84 million euros (\$2.5 million) in fines. The most significant problems were in the areas of employee remuneration (1,272 decisions), safety and health regulation (421 decisions), and illegal employment (240 decisions). Seven of these cases were in connection with illegal migrant work. Most labor law and OSH standards violations were in the transportation and infrastructure sectors.